

Notice of Allowability

Application No.

10/058,620

Examiner

Victor K. Hwang

Applicant(s)

CARTER, KENNETH

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE & Amendment filed July 27, 2004.
2. ☒ The allowed claim(s) is/are 8-12.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20041027.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward A. Sokolski on October 27, 2004.

2. The application has been amended as follows:

Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-7 (canceled)

Claim 8 (currently amended): An exercise machine comprising:

a support frame having a base, side portions, and a central upper portion running normal to said base portion;

a seat portion pivotally mounted on said ~~support frame~~ base by a four-bar linkage for setting the seat portion at one of a plurality of pre-selected positions at different distances from said base portion of said support frame, the pre-selected positions defined by a gauge having an arcuate series of adjustment apertures;

a back rest portion hinged to said seat portion and hinged to a height adjustment member mounted on said base;

~~a calibrated adjustment lever for setting the seat portion at one of a plurality of pre-selected positions at different distances from said base portion of said support frame;~~

the an end of said back rest portion connected to the seat portion and moving so that it can move along with said seat portion to bring said back rest portion towards a vertical position;

a pair of opposing lever arms connected together at one end thereof, said lever arms having supports thereon for supporting weights; and

means for pivotally supporting one end of each of said lever arms on said central upper portion of said support frame on opposite sides of said central upper portion with said lever arms extending outwardly from ~~each other~~ a longitudinal axis of said central upper portion at an angle of approximately 35 degrees;

said lever arms each being supported on a separate swivel bracket, said swivel brackets being horizontally angulated relative to each other and having pivot axes occupying a common plane with said central upper portion of said support frame; and

handles mounted on the other ends of said lever arms for use in grasping the lever arms.

Claim 9 (currently amended): The exercise machine of claim 8 and further including means for selectively adjusting the resting position of said lever arms above the base portion of the support frame.

Claim 10 (previously presented): The exercise machine of claim 8 and further including means for selectively adjusting the positions of said handles relative to said lever arms.

Claim 11 (presently amended): The exercise machine of claim 8 wherein said swivel brackets form a swivel bracket assembly, said lever arms being interconnected by said [[a]] swivel bracket assembly.

Claim 12 (previously presented): The exercise machine of claim 8 wherein said handles are removably mounted on said lever arms with a mount permitting adjustment of the position of the handles relative to said lever arms and the axial positioning thereof in one of two positions 180 degrees apart.

Amendments to the Specification:

Please replace the paragraph starting on page 5, line 4 with the following amended paragraph:

Referring now to the FIGS, a preferred embodiment of the invention is illustrated. As can best be seen in FIGS 6-11, seat 12 is pivotally supported on frame 14 by means of support 15 which is adjustable to bring the seat downward to selected positions. This end result is achieved by means of gauge 16 which has an arcuate series of adjustment apertures formed therein. The support includes forward and rear post portions 15a and 15b interconnected by a horizontal cross piece 15c to form a four-bar linkage with the frame 14. Support 15 has a pin

15d which fits into any selected one of these apertures to position the seat and the attached back rest 13 at a desired position between horizontal and down adjacent to the base of frame 14. The back rest is pivotally supported on post 19 which has an adjustment member 19a for adjusting its height. The front end of back rest 13 is hinged to the rear of seat 12 and thus moves with the seat with its forward end moving downwardly as the seat is moved downwardly and with its rear end moving upwardly, as shown in the various Figures.

Please replace the paragraph starting on page 5, line 21 and ending on page 6, line 8 with the following amended paragraph:

Referring to FIGS. 1-5, the arm exercise mechanism is illustrated. Frame 14 has a base portion 14b, side portions 14c and 14d, and an upper central portion 14e which runs normally to base portion 14b. Lever arms 22 and 23 are pivotally connected together at one end by swivel bracket assembly 26 which is supported on the upper central portion 14e of the frame 14. ~~Frame 14 has a base portion 14b, side portions 14c and 14d, and an upper central portion 14e which runs normally to base portion 14b.~~ Swivel bracket assembly 26 comprises swivel brackets 20 and 21 horizontally angulated relative to each other with the pivot axes of the swivel brackets occupying a common plane with the central upper portion 14 e of the frame 14. The arms extend outwardly away from each other at an angle of about 35 degrees between each arm and a longitudinal axis of the upper central portion 14e. Handles 28 are attached to the opposite free ends of the arms for grasping by the user. At a position between the opposite ends of the arms, the arms are pivotally on frame 14 by means of pivotal support 30. Vertical

adjustment apertures 14a are provided in the frame to permit the height of the arms to be set for persons of different sizes. As shown in FIG. 3, adjustment apertures are provided in the attachment posts 28a of handles 28 to accommodate various size persons. In addition, the posts can be rotated 180 degrees to accommodate the situation.

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: to either Fig. 2 or Fig. 5, the reference characters "20" and "21" are to be inserted to identify the swivel brackets. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose the exercise machine as claimed wherein the seat is adjustably supported by a four-bar linkage with a backrest hinged to the seat portion and the backrest further hingedly connected to a height adjustment member; and the lever arms having pivots with axes occupying a common plane with a central upper portion of the frame.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (703) 308-2865 until Nov. 5, 2004. After Nov. 5, the new telephone number will be (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (703) 746-4891 until Nov. 5, 2004. After Nov. 5, the new informal fax number will be the same as my telephone number, (571) 272-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on 703-308-2675.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
October 28, 2004



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/29/04